

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed September 18, 2007. Claims 21, 23-25, 27, and 28 were pending in the present application. This Amendment amends claims 23 and 27, leaving pending in the application claims 21, 23-25, 27, and 28.

Reconsideration of the rejected claims is respectfully requested.

**35 U.S.C. §103(a) Rejection of Claims 21, 23-25, 27, and 28 (Vacante in view of Hayashi)**

Claims 21, 23-25, 27, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vacante (U.S. Patent No. 6,651,191, hereinafter "Vacante") in view of Hayashi (U.S. Patent No. 5,651,100, hereinafter "Hayashi"). Applicants respectfully submit that Vacante and Hayashi, considered individually or in combination, do not teach or suggest the features of these claims.

**Independent Claims 21 and 25**

Independent claim 21 recites:

A job controlling method in a computer system which includes a host computer and a storage apparatus, comprising:

storing condition information including a plurality of conditions for controlling the host computer or the storage apparatus;

defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing;

calculating an inconsistency degree of the defined job with the condition information by comparing the parameter of the job with the condition information;

outputting a result of comparison of the parameter of the job with the condition information, the result including an inconsistency degree;

if the inconsistency degree is within a predefined threshold, then executing the job according to the parameter; and

if the inconsistency degree is not within the predefined threshold, then changing the parameter of the job according to the result of the comparison and recalculating the inconsistency degree.

(Applicants' claim 21, emphasis added).

At least the above features are not taught or suggested by Vacante and/or Hayashi.

Vacante is directed to a method for “testing a policy to detect problems and provide a mechanism for user feedback in advance of policy deployment in a policy-based network management system.” (Vacante: Abstract). As described in Vacante, a policy is a combination of one or more rules that control how network traffic is managed by a network device. (Vacante: col. 1, lines 20-39). A policy is typically deployed to a target network device by translating the policy into device-specific configuration commands, and then applying the commands to the target network device. (Vacante: col. 1, lines 46-48). If the target device is capable of implementing the commands, the device will be able to enforce the policy and manage network traffic accordingly. If the target device is incapable of implementing the commands, the device will be unable to enforce the policy. (Vacante: col. 1, lines 46-59). Vacante describes a method for determining whether a policy can be successfully implemented by a target network device prior to policy deployment so that network traffic is not affected. (Vacante: col. 2, lines 37-40).

Applicants submit that the disclosure of Vacante described above is substantially different from the claimed embodiments of the present invention. For example, Vacante does not to teach or suggest “defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing” as recited in claim 21. (Emphasis added). In the Office Action, the Examiner asserts that this feature is shown in Vacante because Vacante describes “managing traffic of the network (see col. 1, lines 12-57, col. 4, lines 30-55).” (Office Action: pg. 4). Applicants respectfully disagree.

As best understood, the cited sections of Vacante merely describe the concept of deploying a policy to a target network device (i.e., translating the policy into device-specific commands, and applying the commands to the device). The cited sections make absolutely no reference to defining a job for executing a process on a host computer or a storage apparatus.

It appears from the Examiner’s comments that the Examiner construes the target network devices of Vacante as corresponding to the job and/or job parameter recited in claim 1: “On Figs. 3-4, Vacante et al also teaches the evaluation, testing and changes of various targets

(job parameter) with the policy.” (Office Action: pg. 4). However, as described above, the “targets” referred to in Vacante are target network devices. As is well-known, a network device is a specialized device designed to manage or otherwise facilitate the transmission of network traffic (e.g., network packets). A network device is not a job for executing a process or a job execution parameter as recited in claim 21. Accordingly, Vacante fails to teach or suggest “defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing” as recited in claim 21. (Emphasis added).

Additionally, since Vacante fails to teach anything about defining a job with an execution parameter as recited in claim 21, Vacante necessarily fails to teach or suggest “executing the job according to the parameter” if “the inconsistency degree is within a predefined threshold” as recited in claim 21.

The deficiencies of Vacante in this regard are not cured by Hayashi. Hayashi is directed to an approximate reasoning apparatus configured to identify, in response to input data, one or more rational conclusions from a set of rational conclusions. (Hayashi: col. 3, lines 8-21). The one or more rational conclusions are identified by applying the input data to an expert knowledge base that includes relationships between a plurality of factors (*i.e.*, events) and conclusions. (Hayashi: col. 3, lines 15-21). As best understood, Hayashi is completely silent on the concept of defining a job for executing a process on a host computer/storage apparatus, or the more specific concept of defining a job with an execution parameter. Thus, Hayashi fails to teach or suggest “defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing” as recited in claim 21. (Emphasis added). Additionally, since Hayashi fails to teach anything about a job with an execution parameter, Hayashi necessarily fails to teach or suggest “executing the job according to the parameter” if “the inconsistency degree is within a predefined threshold” as recited in claim 21.

Further, the Examiner concedes that Vacante does not to teach or suggest “calculating an inconsistency degree of the defined job with the condition information by comparing the parameter of the job with the condition information,” “outputting a result of comparison of the parameter of the job with the condition information, the result including an

inconsistency degree,” and “if the inconsistency degree is not within the predefined threshold, then changing the parameter of the job according to the result of the comparison and recalculating the inconsistency degree” as recited in claim 21. (Office Action: pg. 5). (Emphasis added). However, the Examiner goes on to assert that Hayashi discloses the above features because Hayashi teaches “applying weight to the knowledge of each data (see col. 2, lines 40-65, col. 3, lines 7-55, col. 4, lines 10-60, Figs. 10-18).” Applicants respectfully disagree.

As best understood, the cited sections of Hayashi describe receiving factor-value data (*i.e.*, information indicating the correctness of a conclusion) with respect to a specific rational conclusion. An “inconsistency degree” is then calculated between the factor-value data entered with respect to the conclusion, and expert knowledge in the expert knowledge base with respect to the same conclusion. (Hayashi: col. 4, lines 42-58; Figs. 10-13). The inconsistency degree may be used to revise the expert knowledge base in view of the entered factor-value data. (Hayashi: col. 4, lines 58-60).

Thus, at best, the cited sections of Hayashi disclose a technique for revising an expert knowledge base by calculating a degree of inconsistency between inputted factor-value data and knowledge in the expert knowledge base. Applicants submit that this is substantially different from calculating an inconsistency degree between a job and condition information as recited in claim 21. As described above, the inputted factor data of Hayashi represents data indicating the correctness of a conclusion, and the expert knowledge of Hayashi represents relationships between a plurality of factors and conclusions. These concepts are completely unrelated to a job for executing a process for a host computer or a storage apparatus with a parameter for executing, or condition information that includes a plurality of conditions for controlling the host computer or the storage apparatus as defined in claim 21. Accordingly, Hayashi fails to teach or suggest “calculating an inconsistency degree of the defined job with the condition information by comparing the parameter of the job with the condition information” as recited in claim 21. (Emphasis added).

Additionally, since Hayashi fails to teach anything about calculating an inconsistency degree between a job and condition information, Hayashi necessarily fails to teach

or suggest “outputting a result of comparison of the parameter of the job with the condition information, the result including an inconsistency degree,” and “if the inconsistency degree is not within the predefined threshold, then changing the parameter of the job according to the result of the comparison and recalculating the inconsistency degree” as recited in claim 21. (Emphasis added).

For at least the foregoing reasons, even if Vacante and Hayashi were combined (although there appears to be no motivation to combine) the resultant combination would not teach or suggest all of the features of claim 21. Thus, Applicants respectfully submit that claim 21 is allowable over Vacante and/or Hayashi and request that rejection of claim 21 on these grounds be withdrawn.

Independent claim 25 recites features that are substantially similar to independent claim 21, and is thus believed to be allowable for at least a similar rationale as discussed for claim 21, and others.

Dependent Claims 23, 24, 27, and 28

Dependent claims 23 and 24 depend (either directly or indirectly) from independent claim 21, and are thus believed to be allowable for at least a similar rationale as discussed for claim 21.

In addition, claims 23 and 24 recite additional limitations that distinguish over the combination of Vacante and Hayashi. For example, claim 23, as amended, recites in part “wherein a job set is defined based on a plurality of jobs, wherein a weighting is defined in the plurality of conditions, and wherein the method further comprises outputting a result of a comparison of the job set with the condition information according to the inconsistency degree and the weighting.” Applicants submit that at least these additional limitations are not shown by Vacante and/or Hayashi.

In the Office Action, the Examiner asserts that “claim 23. . . deals with well-known job controlling parameters, i.e. outputting results for effective monitoring.” (Office Action: pg. 5). Applicants respectfully disagree. It is not clear what exactly are the “well-known job controlling parameters” referred to by the Examiner, but Applicants submit that it would not

be obvious to one of ordinary skill in the art to define a job set based on a plurality of jobs, define a weighing for each of a plurality of conditions, and output a result of a comparison of the job set with condition information according to an inconsistency degree and the weighing as recited in claim 23. Accordingly, Applicants respectfully request that the Examiner provide documentary evidence demonstrating that these specific features are well-known in the art, or that the Examiner withdraw the rejection of claim 23.

Further, claim 24 recites in part “obtaining operation information and performance information of the host computer and the storage apparatus,” “changing the condition information according to the obtained information,” “comparing the job with the changed condition information,” and “changing the parameter of the job according to the result of the comparison.” (Emphasis added). Applicants submit that at least these additional limitations are not shown by Vacante and/or Hayashi.

In Office Action, the Examiner asserts that “claim 24. . . deals with well known job controlling parameters, i.e. repeating steps (e) and (f), these are well known steps and are taught in col. 3, lines 30-60.” (Office Action: pg. 5). However, the Examiner fails to identify which reference the Examiner is referring to. Regardless, neither Vacante or Hayashi teach anything about obtaining operation information and performance information from a host computer or storage apparatus, or using that information to change condition information as recited in claim 24. Further, Applicants submit that these steps are not “well-known” as alleged by the Examiner. Accordingly, Applicants respectfully request that the Examiner provide documentary evidence demonstrating that these specific features are well-known in the art, or that the Examiner withdraw the rejection of claim 24.

Dependent claims 27 and 28 depend (either directly or indirectly) from independent claim 25, and are thus allowable for at least a similar rationale as discussed for claim 25. In addition, claims 27 and 28 recite features that are substantially similar to claims 23 and 24 respectively. Accordingly, claims 27 and 28 are believed to be allowable for at least a similar rationale as discussed for claims 23 and 24, and others.

**35 U.S.C. §103(a) Rejection of Claims 21, 23-25, 27, and 28 (Ahlstrom in view of Vacante and Hayashi)**

Claims 21, 23-25, 27, and 28 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Ahlstrom (U.S. Patent No. 6,327,618, hereinafter "Ahlstrom") in view of Vacante and Hayashi. Applicants respectfully submit that Ahlstrom, Vacante, and Hayashi, considered individually or in combination, do not teach or suggest the features of these claims.

**Independent Claims 21 and 25**

As discussed above, independent claim 21 is not rendered obvious by the combination of Vacante and Hayashi. Ahlstrom does not provide any teaching that would remedy the deficiencies of Vacante and Hayashi in this regard.

Ahlstrom is directed to a method for processing conflicts between policies in a network management system. (Ahlstrom: Abstract). Applicants submit that this is substantially different from the claimed embodiments of the present invention. For example, Ahlstrom does not teach or suggest “defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing” as recited in claim 21. (Emphasis added). In the Office Action, the Examiner asserts that this feature is shown in Ahlstrom at col. 3, lines 40-50. (Office Action: pg. 6). Applicants respectfully disagree.

As best understood, the cited section of Ahlstrom merely describes identifying a conflict between a first and second policy according to a conflict test, and then resolving the conflict. The cited section makes no reference at all to defining a job for executing a process on a host computer or a storage apparatus, where the job includes an execution parameter. Accordingly, Ahlstrom fails to teach or suggest “defining a job for executing a process for the host computer or the storage apparatus with a parameter for executing” as recited in claim 21. (Emphasis added).

Additionally, since Ahlstrom fails to teach anything about defining a job with an execution parameter as recited in claim 21, Ahlstrom necessarily fails to teach or suggest “executing the job according to the parameter” if “the inconsistency degree is within a predefined threshold” as recited in claim 21.

Further, the Examiner concedes that Ahlstrom does not teach or suggest “calculating an inconsistency degree of the defined job with the condition information by comparing the parameter of the job with the condition information,” “outputting a result of comparison of the parameter of the job with the condition information, the result including an inconsistency degree,” and “if the inconsistency degree is not within the predefined threshold, then changing the parameter of the job according to the result of the comparison and recalculating the inconsistency degree” as recited in claim 21. (Office Action: pg. 6). (Emphasis added)

For at least the foregoing reasons, even if Ahlstrom, Vacante, and Hayashi were combined (although there appears to be no motivation to combine), the resultant combination would not teach or suggest all of the features of claim 21. Thus, Applicants respectfully submit that claim 21 is allowable over Ahlstrom, Vacante, and/or Hayashi, and request that rejection of claim 21 on these grounds be withdrawn.

Independent claim 25 recites limitations that are substantially similar to independent claim 21, and is thus believed to be allowable for at least a similar rationale as discussed for claim 21, and others.

Dependent Claims 23, 24, 27, and 28

As discussed above, dependent claims 23, 24, 27, and 28 are not rendered obvious by the combination of Vacante and Hayashi. Ahlstrom does not provide any teaching that would remedy the deficiencies of Vacante and Hayashi in this regard.

Accordingly, even if Ahlstrom, Vacante, and Hayashi were combined (although there appears to be no motivation to combine) the resultant combination would not teach or suggest all of the features of claims 23, 24, 27, and 28. Thus, Applicants respectfully submit that claims 23, 24, 27, and 28 are allowable over Ahlstrom, Vacante, and/or Hayashi, and request that rejection of claims 23, 24, 27, and 28 on these grounds be withdrawn.



**Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee  
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
AJL:mg  
61172148 v1